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SIPDIS

STATE FOR AF/S

E.O. 12958: DECL: 2019/12/14

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SUBJECT: Namibian Opposition Parties Plan Court Appeal of Election Results

CLASSIFIED BY: Matt Harrington, DCM, State, EXEC; REASON: 1.4(B), (D)

¶1. (U) Action Request: See paragraph 7.

¶2. (C) Summary: On December 11, opposition party youth leagues marched and submitted a petition demanding nullification of the election results to the Electoral Commission of Namibia (ECN). Opposition parties also announced their intention to submit a challenge to the results in the Namibian High Court on December 11, but they failed to do so. Opposition party representatives continue to tell Emboffs that the challenge will be submitted, pending receipt of "crucial" information from the ECN. End Summary.

¶3. (U) Namibian opposition parties had indicated that December 11 would be a day of protest, with youth league representatives around the country presenting petitions to the Electoral Commission of Namibia in Windhoek, and to municipal courts in other locations. At the same time, opposition leaders had stated their intention to submit an urgent challenge to the election results in the High Court on December 11.

¶4. (C) In the end, the day proved to be anti-climactic. The expected High Court hearing of the opposition's election challenge did not take place. The court registrar told Embassy representatives that the necessary paperwork had not been submitted. Senior RDP official Libolly Haufiku confirmed that the opposition's lawyers were still waiting for "crucial" information from the ECN, which they hoped would be forthcoming this week. Representatives of other opposition parties told acting poloff they were waiting for additional examples of both ECN incompetence and SWAPO vote-rigging before going forward. Haufiku reiterated to DCM his earlier insistence to the Ambassador (reftel) that the opposition has significant evidence of fraud at the election verification centers.

¶5. (U) Although it was anticipated that large numbers of opposition party youth would march and deliver petitions across the country, the only confirmed march took place in Windhoek. A group of about 50 protestors delivered a petition to the Director of Elections, demanding that the ECN nullify the elections; that the ECN resign immediately; and that new elections be held under the supervision of a "competent, credible, impartial and independent body" made up of all participating parties. The opposition has threatened to continue to protest until its demands are met.

¶6. (C) Comment: Although the High Court closed on December

11 for the holiday season, there is one judge available to hear urgent applications, and we understand the election challenge would fall into that category. Libolly Haufiku, the RDP official, still expects the case to be submitted and heard this year, although he did tell us he wanted the High Court to carefully consider all the evidence and did not want the case to be "rushed."

¶7. (C) Action requested: Based on the reports of our own Embassy observer teams, and those of both international and domestic observer groups, the two days of voting were peaceful and generally well-organized, although some irregularities were observed. We have not yet seen the opposition's evidence of fraud at electoral verification centers, but believe those allegations will get a fair hearing in the High Court. At this point, we believe the outcome generally represented the will of the Namibian people and recommend that President Obama send a congratulatory message to President Pohamba on his reelection to a second, and final, five-year term.

MATHIEU